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BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation )	Case No. 10-90-857
12 Against: )	OAH No. L-9501173
13 Lawrence N. Cooper, M.D. )	
233 Lewis Street )	
San Diego, CA 92103 )	STIPULATION IN SETTLEMENT,
14 Physician's and Surgeon's )	<u>DECISION AND ORDER</u>
15 Certificate No. G27092 )	
16 Respondent. )	

17  
18 IT IS HEREBY STIPULATED by and between the parties in  
19 the above-entitled matter as follows:

20 1. Complainant Doug Laue is the Acting Executive  
21 Director of the Medical Board of California, Department of  
22 Consumer Affairs, State of California (hereinafter "Board"), and  
23 is represented herein by Daniel E. Lungren, Attorney General of  
24 the State of California, by Sanford Feldman, Deputy Attorney  
25 General.

26 2. Lawrence N. Cooper, M.D., (hereinafter  
27 "respondent") is represented herein by Peter M. Bochnewich, Esq.

1           3. On or about July 1, 1974, respondent was issued  
2 Physician's and Surgeon's Certificate No. G27092 by the Board.  
3 At all times mentioned herein said Certificate was, and now is,  
4 in full force and effect.

5           4. On November 30, 1994, then complainant Dixon  
6 Arnett, in his then official capacity as Executive Director of  
7 the Board, filed Accusation No. 10-90-857 against respondent.

8           5. On or about November 30, 1994, respondent was  
9 served with a copy of Accusation No. 10-90-857, together with  
10 copies of all other statutorily required documents, at his  
11 address of record then on file with the Board: 233 Lewis Street,  
12 San Diego, CA 92103. Thereafter, on or about December 6, 1994,  
13 respondent timely filed a notice of defense. On September 2,  
14 1995, an Amended Accusation was served. A copy of the Amended  
15 Accusation is attached hereto as Attachment "A" and incorporated  
16 by reference as if fully set forth herein.

17           6. Respondent has carefully read and fully understands  
18 the charges and allegations contained in the Amended Accusation  
19 in Case No. 10-90-857, and has fully reviewed same with his  
20 attorney of record, Peter M. Bochnewich, Esq.

21           7. Respondent has carefully read and fully understands  
22 the contents, force, and effect of this Stipulation in  
23 Settlement, Decision and Order, and he has fully reviewed same  
24 with his attorney of record, Peter M. Bochnewich, Esq.

25           8. Respondent is fully aware of his right to a  
26 hearing on the charges and allegations contained in Amended  
27 Accusation No. 10-90-857, his right to present witnesses and

1 evidence on his own behalf, his right to cross-examine all  
2 witnesses testifying against him, his rights to reconsideration,  
3 judicial review and appeal, and all other rights which may be  
4 accorded him with respect to this proceeding pursuant to the  
5 California Administrative Procedure Act and the California Code  
6 of Civil Procedure, having been fully advised of same by his  
7 attorney of record, Peter M. Bochnewich, Esq.

8           9. Respondent, having the benefit of counsel, hereby  
9 freely, knowingly, intelligently and voluntarily waives his right  
10 to a hearing on the charges and allegations contained in Amended  
11 Accusation No. 10-90-857, his right to present witnesses and  
12 evidence on his own behalf, his right to cross-examine all  
13 witnesses testifying against him, his right to reconsideration,  
14 judicial review, appeal, and all other rights which may be  
15 accorded him with respect to this proceeding pursuant to the  
16 California Administrative Procedure Act and the California Code  
17 of Civil Procedure.

18           10. Respondent, having the benefit of counsel, hereby  
19 freely, knowingly, intelligently, and voluntarily agrees he does  
20 not contest the truth and accuracy of the charges and allegations  
21 set forth in paragraph 6B of the Amended Accusation attached  
22 hereto as Attachment A. Respondent's agreement not to contest is  
23 made for the sole purpose of settling Case No. 10-90-857, and  
24 shall have no force or effect in any other proceeding except:  
25 (1) any future proceeding between the Board and respondent;  
26 and/or (2) any action taken by any governmental body responsible  
27 for licensing and/or regulating physicians and surgeons.

1 Further, respondent stipulates that, should he: a) apply for  
2 modification or termination of probation; b) become involved in  
3 any other licensing action in this state or any other state; or,  
4 c) make application, in this state or any other state, for any  
5 kind of license involving the treatment or care of patients, the  
6 charges and allegations set forth in paragraph 6B of the Amended  
7 Accusation attached hereto as Attachment A shall be deemed  
8 admitted by respondent and shall be deemed true and correct for  
9 purposes of such proceedings or applications.

10 11. This Stipulation in Settlement, Decision and Order  
11 is intended by the parties herein to be an integrated writing  
12 representing the complete, final and exclusive embodiment of the  
13 agreements of the parties.

14 12. This Stipulation in Settlement, Decision and Order  
15 shall be subject to the approval of the Division of Medical  
16 Quality of the Medical Board of California, Department of  
17 Consumer Affairs, State of California (hereinafter "Division").  
18 If the Division fails, for any reason, to approve this  
19 Stipulation in Settlement, Decision and Order, it shall be of no  
20 force and effect for either party. To facilitate acceptance of  
21 this Stipulation in Settlement, Decision and Order, respondent  
22 agrees complaint, his staff and counsel for complainant may  
23 communicate directly with the Division of Medical Quality,  
24 without notice to respondent or his counsel and in the absence of  
25 respondent or his counsel. Respondent further agrees such  
26 communication shall not disqualify the Division from further  
27 action in this matter.

1           WHEREFORE, IT IS STIPULATED that the Division may,  
2 without further notice or formal proceeding, issue and enter the  
3 following decision and order in Case No. 10-90-857:

4                   DETERMINATION OF ISSUES

5           Pursuant to its authority under California Business and  
6 Professions Code sections 2220, 2227 and 2234, and based on the  
7 stipulations of respondent, including his agreement not to  
8 contest the truth and accuracy of the allegations and charges in  
9 paragraph 6(B) of the Amended Accusation, the Division hereby  
10 finds and determines that respondent engaged in an act in  
11 violation of Business and Professions Code section 2234(b).

12                   ORDER

13           Physician's and Surgeon's Certificate No. G27092,  
14 heretofore issued to respondent Lawrence N. Cooper, M.D., by the  
15 Board on July 1, 1974, is hereby revoked pursuant to the  
16 Determination of Issues, above, separately and for all of them.  
17 However, said revocation is hereby stayed and respondent is  
18 placed on probation for a period of three (3) years from the  
19 effective date of this decision on the following terms and  
20 conditions:

21           1. ORAL CLINICAL OR WRITTEN EXAMINATION: Respondent  
22 shall take and pass an oral clinical examination in the diagnosis  
23 and treatment of cataracts, the medical indications for cataract  
24 surgery, and medical record-keeping relating to the foregoing,  
25 administered by the Division or its designee. This examination  
26 shall be taken within ninety (90) days of the effective date of  
27 this decision. If respondent fails the first examination,

1 respondent must take and pass a second examination which may  
2 consist of a written as well as an oral examination. The waiting  
3 period between the first and second examinations shall be at  
4 least three month. If respondent fails to pass the first and  
5 second examination, respondent may take a third and final  
6 examination after waiting a period of one year. Failure to pass  
7 the oral clinical examination within eighteen (18) months after  
8 the effective date of this decision shall constitute a violation  
9 of probation. Respondent shall pay the cost of all examinations.

10 If respondent fails the first examination, respondent  
11 shall cease the practice of medicine until the re-examination has  
12 been successfully passed, as evidenced by written notices to  
13 respondent from the Division or its designee.

14 2. EDUCATION COURSE: Within ninety (90) days of the  
15 effective date of this decision, and on an annual basis  
16 thereafter throughout the period of probation, respondent shall  
17 submit to the Division for its prior approval an educational  
18 program to be designated by the Division or its designee, which  
19 shall not be less than forty (40) hours per year, for each year  
20 of probation. This program shall be in addition to the  
21 Continuing Medical Education requirements for re-licensure.  
22 Following completion of each course, the Division or its designee  
23 may administer an examination to test respondent's knowledge of  
24 the course. Respondent shall provide proof of attendance for  
25 sixty-five (65) hours of continuing medical education of which  
26 forty (40) hours were in satisfaction of this condition and were  
27 approved in advance by the Division.

1           3. ETHICS: Within sixty (60) days of the effective  
2 date of this decision, respondent shall enroll in a course in  
3 Ethics approved in advance by the Division or its designee, and  
4 shall successfully complete during the first year of probation.

5           4. COST RECOVERY: Respondent is hereby ordered to  
6 reimburse the Division the amount of \$10,000.00 for its costs of  
7 investigation and prosecution, payable as follows: (1) \$5,000.00  
8 within ninety (90) days of the effective date of this decision;  
9 and (2) \$5,000.00 within one hundred and eighty (180) days of the  
10 effective date of this decision. Failure to reimburse the  
11 Division's costs of its investigation shall constitute a  
12 violation of the probation order, unless the Division agrees in  
13 writing to payment by an installment plan because of financial  
14 hardship. The filing of bankruptcy by respondent shall not  
15 relieve respondent of his/her responsibility to reimburse the  
16 Division for its investigative costs.

17           5. OBEY ALL LAWS: Respondent shall obey all federal,  
18 state and local laws, and all rules and regulations governing the  
19 practice of medicine in California and remain in full compliance  
20 with any court ordered criminal probation, payments and other  
21 orders.

22           6. QUARTERLY REPORTS: Respondent shall submit  
23 quarterly declarations under penalty of perjury on forms provided  
24 by the Division, stating whether there has been compliance with  
25 all the terms and conditions of probation.

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1           7. PROBATION SURVEILLANCE PROGRAM COMPLIANCE:

2 Respondent shall comply with the Division's probation  
3 surveillance program. Respondent shall, at all times, keep the  
4 Division informed of his or her addresses of business and  
5 residence which shall both serve as addresses of record. Changes  
6 of such addresses shall be immediately communicated in writing to  
7 the Division. Under no circumstances shall a post office box  
8 serve as an address of record.

9           Respondent shall also immediately inform the Division,  
10 in writing, of any travel to any areas outside the jurisdiction  
11 of California which lasts, or is contemplated to last, more than  
12 thirty (30) days.

13           8. PROBATION MONITORING COSTS: Respondent shall pay  
14 the costs associated with probation monitoring each and every  
15 year of probation. Such costs shall be payable to the Division  
16 at the end of each fiscal year. Failure to pay such costs shall  
17 constitute a violation of probations.

18           9. INTERVIEW WITH DIVISION, ITS DESIGNEE OR ITS  
19 DESIGNATED PHYSICIAN(S): Respondent shall appear in person for  
20 interviews with the Division, its designee or its designated  
21 physician(s) upon request at various intervals and with  
22 reasonable notice.

23           10. TOLLING OF PROBATION: In the event respondent  
24 should leave California to reside or to practice outside the  
25 State or for any reason should respondent stop practicing

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1 medicine in California, respondent shall notify the Division or  
2 its designee in writing within ten (10) days of the dates of  
3 departure and return or the dates of non-practice within  
4 California. Non-practice is defined as any period of time  
5 exceeding thirty (30) days in which respondent is not engaging in  
6 any activities defined in Sections 2051 and 2052 of the Business  
7 and Professions Code. All time spent in an intensive training  
8 program approved by the Division or its designee shall be  
9 considered as time spent in the practice of medicine. Periods  
10 of temporary or permanent residence or practice outside  
11 California or of non-practice within California, as defined in  
12 this condition , will not apply to the reduction of the  
13 probationary period.

14           11. VIOLATION OF PROBATION: If respondent violates  
15 probation in any respect, the Division, after giving respondent  
16 notice and opportunity to be heard, may revoke probation and  
17 carry out the disciplinary order that was stayed, i.e.,  
18 revocation of Physician's and Surgeon's Certificate No. G27092.  
19 If an accusation or petition to revoke probation is filed against  
20 respondent during probation, the Division shall have continuing  
21 jurisdiction until the matter is final, and the period of  
22 probation shall be extended until the matter is final.

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1                   12. COMPLETION OF PROBATION: Upon successful  
2 completion of probation, respondent's certificate will be fully  
3 restored.

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5 Dated: 9/2/95

Sanford Feldman  
SANFORD FELDMAN  
Deputy Attorney General  
Attorney for Complainant

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9 Dated: 9/2/95

Lawrence N. Cooper, M.D.  
Lawrence N. Cooper, M.D.  
Respondent

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13 Dated: Sept. 2, 1995

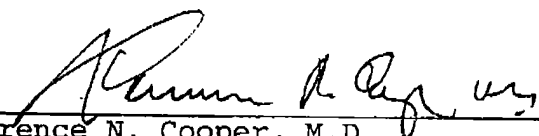
Peter M. Bochnewich, Esq.  
Peter M. Bochnewich, Esq.  
Attorney for Respondent

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ACKNOWLEDGMENT

I, Lawrence N. Cooper, M.D., have read the above stipulation and, with the benefit of counsel, enter into it freely, voluntarily, intelligently and with full knowledge of its force and effect. By entering into this stipulation, I recognize that, upon formal acceptance by the Division, my license to practice medicine in California will be revoked, with said revocation being stayed, and I will be placed on probation on the above terms and conditions. I further recognize that, if I violate the terms or conditions of my probation in any respect, the Division, after giving me notice and opportunity to be heard, may carry out the disciplinary order that was stayed, i.e., the revocation of my license to practice medicine.

Dated: 9/2/95

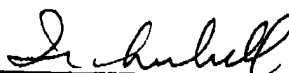
  
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Lawrence N. Cooper, M.D.  
Respondent

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ORDER

The attached Stipulation in Settlement and Decision is hereby adopted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter and shall become effective on the 29th day of December, 1995.

IT IS SO ORDERED this 29th day of November, 1995.



DIVISION OF MEDICAL QUALITY  
Medical Board of California  
Department of Consumer Affairs  
State of California

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1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 SANFORD H. FELDMAN,  
Deputy Attorney General, State Bar No. 47775  
3 Department of Justice  
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San Diego, California 92186-5266  
5 Telephone: (619) 645-2079  
6 Attorneys for Complainant  
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9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) NO. 10-90-857  
Against: )  
12 ) L-9501173  
LAWRENCE N. COOPER, M.D. )  
13 233 Lewis Street )  
San Diego, California 92103 ) AMENDED ACCUSATION  
14 Physician & Surgeon's )  
15 No. G-27092 )  
Respondent. )  
16

17 Complainant Doug Laue, as causes for disciplinary  
18 action, alleges:

19 PARTIES

20 1. Complainant is the Acting Executive Director of  
21 the Medical Board of California ("Board") and makes and files  
22 this Amended Accusation solely in his official capacity.

23 LICENSE STATUS

24 2. On or about July 1, 1974, Lawrence Nathan Cooper,  
25 M.D. (hereinafter "respondent") was issued Physician's and  
26 Surgeon's Certificate No. G27092. At all times herein, said  
27 license was and currently is, in full force and effect.  
28 Respondent is not a supervisor of a Physician's Assistant.

1 PREVIOUS DISCIPLINARY HISTORY

2 3. The Board has no record of any disciplinary action  
3 having been taken against Certificate No. G27092.

4 JURISDICTION

5 4. This Amended Accusation is made in reference to  
6 the following statutes of the California Business and Professions  
7 Code ("Code"):

8 A. Section 2220 provides, in pertinent part, that the  
9 Board may take action against all persons guilty of violating the  
10 provisions of Chapter 5 of Division 2 of that Code.

11 B. Section 2227 provides that the Board may revoke,  
12 suspend for a period not to exceed one year, or place on  
13 probation, the license of any licensee who has been found guilty  
14 under the Medical Practice Act.

15 C. Section 2234 provides that unprofessional conduct  
16 includes gross negligence.

17 D. Section 125.3 provides that in any order issued in  
18 resolution of a disciplinary proceeding before any board within  
19 the department, the board may request the administrative law  
20 judge to direct a licentiate found to have committed a violation  
21 of the licensing act to pay a sum not to exceed the reasonable  
22 costs of the investigation and enforcement of the case. The  
23 costs shall include the amount of investigative and enforcement  
24 costs up to the date of the hearing, including, but not limited  
25 to, charges imposed by the Attorney General.

26 CHARGES AND ALLEGATIONS

27 5. Patient Alma H.

28 A. On or about August 24, 1984, Alma H. was initially

1 examined by respondent, an ophthalmologist, on referral by her  
2 general physician, C.F., M.D. Dr. C.F. diagnosed Alma H. with  
3 systemic lupus erythematosus (SLE) and referred her to respondent  
4 when Alma H. experienced blurred vision after taking the  
5 Plaquenil Dr. C.F. prescribed for the SLE.

6 B. Respondent found Alma H.'s best correctable vision  
7 was somewhat below normal, that she had some misses on color  
8 vision testing, and multiple abnormalities on visual field  
9 testing. At that time, respondent did not ascribe these findings  
10 to manifestations of retinal toxicity from the Plaquenil, but  
11 wrote to Dr. C.F. that he would monitor the patient regarding  
12 Plaquenil.

13 C. Respondent continued to see Alma H. on an ongoing  
14 basis over the next four years. At each visit respondent  
15 performed visual acuity testing, color vision assessments and  
16 computerized visual field examinations. However, over the years  
17 of treating Alma H., respondent's records fail to document the  
18 condition of the optic nerve, the appearance of the retina, or  
19 any evaluation of the pupils.

20 D. Respondent's records show that Alma H.'s visual  
21 acuity intermittently deteriorated between 1984 and 1988. On or  
22 about December 14, 1984, respondent advised Alma H. to  
23 discontinue the use of Plaquenil because of a significant  
24 increase in the abnormality of her visual fields. Respondent  
25 determined that Alma H.'s vision had improved after stopping the  
26 Plaquenil.

27 E. On or about April 23, 1987, respondent again  
28 ordered a discontinuation of the Plaquenil therapy due to a

1 significant change in the patient's color vision. Respondent,  
2 however, failed to document the results of an ophthalmoscopy.

3 F. On or about November 28, 1988, respondent informed  
4 Alma H. that she had cataracts and scheduled Alma H.'s cataract  
5 surgery for December 21, 1988.

6 G. Alma H. sought a second opinion from Dr. G.M.,  
7 M.D. Dr. G.M. examined Alma H. and determined that she did not  
8 have cataracts. Dr. G.M. advised Alma H. to cancel her surgery,  
9 and referred her to D.B., M.D., a retinologist.

10 6. Respondent has subjected his license to  
11 disciplinary action under California Business and Professions  
12 Code sections 2220, 2227 and 2234 as defined by section 2234(b)  
13 of the Code in that he is guilty of gross negligence as more  
14 particularly alleged hereinafter:

15 A. Paragraph 5 above is incorporated by reference and  
16 realleged as if fully set forth herein.

17 B. Respondent is guilty of gross negligence in his  
18 care and treatment of patient Alma H. in that respondent  
19 misdiagnosed Alma H. as having cataracts.

20 PRAYER

21 WHEREFORE, complainant requests that the Board hold a  
22 hearing on the matters alleged herein, and that following said  
23 hearing, the Board issue a decision:

24 1. Revoking or suspending Physician's and Surgeon's  
25 Certificate Number G27092, heretofore issued to respondent ,  
26 Lawrence Nathan Cooper, M.D.;

27 2. Granting the Board its costs in the investigation  
28 and prosecution of this case; and,

1                   3.    Taking such other and further action as the Board  
2   deems appropriate to protect the public health, safety and  
3   welfare.

4   DATED:   September 1, 1995

5  
6                   *Doug Laye by*  
7                   *Seymour Feldman, Deputy Attorney General*  
8                   Doug Laye  
9                   Acting Executive Director  
10                  Medical Board of California  
11                  Department of Consumer Affairs  
12                  State of California

Complainant

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